

In re:
Charlita A. Andrews
Debtor

Case No. 18-18430-pmm
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-4
Date Rcvd: Sep 03, 2021

User: admin
Form ID: pdf900

Page 1 of 2
Total Noticed: 11

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 05, 2021:

Recip ID	Recipient Name and Address
db	Charlita A. Andrews, 1108 Rhodora Ave, Reading, PA 19605-1350
smg	+ Bureau of Audit and Enforcement, City of Allentown, 435 Hamilton Street, Allentown, PA 18101-1603
smg	City Treasurer, Eighth and Washington Streets, Reading, PA 19601
smg	+ Dun & Bradstreet, INC, 3501 Corporate Pkwy, P.O. Box 520, Centre Valley, PA 18034-0520
smg	+ Lehigh County Tax Claim Bureau, 17 South Seventh Street, Allentown, PA 18101-2401
smg	+ Tax Claim Bureau, 633 Court Street, Second Floor, Reading, PA 19601-4300
cr	NewRez LLC d/b/a Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826

TOTAL: 7

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: RVSVCBICNOTICE1@state.pa.us	Sep 03 2021 23:30:00	Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
smg	+ Email/Text: usapae.bankruptcynotices@usdoj.gov	Sep 03 2021 23:30:00	U.S. Attorney Office, c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19106-4404
cr	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Sep 03 2021 23:30:00	AmeriCredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
cr	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Sep 03 2021 23:30:00	Americredit Financial Services, Inc., d/b/a GM Fin, 4000 Embarcadero Dr., Arlington, TX 76014-4101

TOTAL: 4

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

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Date: Sep 05, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 3, 2021 at the address(es) listed below:

Name	Email Address
CHARLES GRIFFIN WOHLRAB	on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing cwohlab@raslg.com
JAMES W. ZERILLO	on behalf of Debtor Charlita A. Andrews jameszerillo@gmail.com G28910@notify.cincompass.com
KEVIN G. MCDONALD	on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
REBECCA ANN SOLARZ	on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
REBECCA ANN SOLARZ	on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing bkgroup@kmlawgroup.com
ROLANDO RAMOS-CARDONA	on behalf of Trustee SCOTT F. WATERMAN (Chapter 13) ecfmail@readingch13.com
SCOTT F. WATERMAN (Chapter 13)	ECFMail@ReadingCh13.com
Scott F Waterman	on behalf of Trustee SCOTT F. WATERMAN (Chapter 13) ECFmail@fredreiglech13.com
United States Trustee	USTPRegion03.PH.ECF@usdoj.gov
WILLIAM EDWARD CRAIG	on behalf of Creditor Americredit Financial Services Inc., d/b/a GM Financial ecfmail@mortoncraig.com, mortoncraigecef@gmail.com

TOTAL: 10

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Charlita A. Andrews, : **Chapter 13**
 :
Debtor : **Bky. No. 18-18430 PMM**

ORDER DISGORGING COUNSEL FEES

AND NOW, upon consideration of this Court’s Order (doc. # 85, the “Order to Appear”) entered on July 30, 2021, directing counsel for the Debtor to appear at a hearing regarding the chapter 13 Trustee’s Motion to Dismiss the above-captioned bankruptcy case (doc. # 80, the “Motion to Dismiss”):

AND this chapter 13 bankruptcy case having been filed on December 28, 2018;

AND attorney James W. Zerillo (“Debtor’s Counsel”) having represented the Debtor from the inception of this case;

AND Debtor’s Counsel remaining the attorney of record in this matter and, therefore, received notice of the Order to Appear, see Certificate of Notice, doc. #86;

AND the Debtor’s chapter 13 Plan having been confirmed on September 24, 2019 and modified on November 19, 2020, see doc. #'s 45, 67, 73, 76;

AND on December 6, 2019, Debtor’s Counsel having been awarded, upon application, fees in the amount of \$2,990.00, \$1,190.00 of which were paid by the Debtor prior to the commencement of the bankruptcy case, see doc. # 55;

AND the Debtor’s Modified Plan (doc #73) stating that Debtor’s Counsel remains owed approximately \$1,000.00, to be paid through the Chapter 13 Modified Plan;¹

¹ The Modified Plan incorrectly states that the amount of the allowed fees is \$28,000.00; the correct amount,

AND at the initial hearing on the Trustee's Motion to Dismiss, held on July 29, 2021, Debtor's Counsel having failed to appear;²

AND as a result of Debtor's Counsel failure to appear, this Court entered the Order to Appear on July 30, 2021, ordering that

[Debtor's Counsel] is **directed to APPEAR** for the continued hearing on the Motion scheduled for **Thursday, September 2, 2021 at 11:00 AM.**

(some emphasis added).

BUT, despite the clear and unambiguous language in the Order to Appear, Debtor's Counsel having failed to appear at the continued hearing regarding the Motion to Dismiss;

AND Debtor's Counsel having failed to offer an explanation or excuse for his failure to comply with a court order;

AND the Court having power to sanction Debtor's Counsel by ordering a disgorgement of fees. See In re Johnson, 408 B.R. 61, 66 (Bankr. W.D. Pa. 2009) (citing Chambers v. NASCO, Inc., 501 U.S. 32 (1991) and stating that "[d]isgorgement of fees is warranted upon failure to comply with court order."); See also In re Fernandez, 2016 WL 5400393, at *3 (Bankr. D.N.M. Sept. 27, 2016); In re Potter, No. 07-1084 M, 2008 WL 1777843, at *2 (Bankr. D.N.M. Apr. 16, 2008);

It is therefore hereby **ORDERED** that:

- 1) The remaining \$1,000.00 balance of fees owed to Debtor's Counsel by the Debtor and scheduled to be paid by the Trustee pursuant to the Debtor's Modified Plan is **disgorged** (the "Funds");
- 2) The Funds shall be applied by the Trustee to the Debtor's Chapter 13 arrearage

pursuant to Order Approving Fees, is \$2,990.00, doc. #55.

² The Debtor, who filed a "pro se" Response to the Motion to Dismiss, doc. #82, stated at the July 29, 2021 hearing

balance;

- 3) Debtor's Counsel **must appear** at the continued hearing on the Motion to Dismiss, which will be held on **Thursday, October 14, 2021 at 11:00 a.m.**



Date: September 3, 2021

PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE

that counsel had not returned her phone calls or consulted with her about the Trustee's Motion to Dismiss.